

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEGA CONCRETE, INC., et al. : CIVIL ACTION  
:   
v. :   
:   
MICHAEL SMITH, et al. : NO. 09-4234

ORDER

AND NOW, this 23rd day of March, 2011, upon consideration of the motions to dismiss of defendants Shoemaker Construction Company and Roger Ball (Docket No. 52), Plumblin Construction, Inc., John Matter, and Andrew Uhrik (Docket No. 49), and Chesco Coring & Cutting, Inc., and Todd A. Cliggett (Docket No. 50), the plaintiff's oppositions thereto, and oral argument on this matter, and for the reasons stated in a memorandum of law bearing today's date, IT IS HEREBY ORDERED that the motions are GRANTED in part. Counts I, II, and IV of the amended complaint are dismissed as to these defendants.

The plaintiffs and the above-referenced defendants shall inform the Court in writing by March 30, 2011, as to their position with respect to the resolution of the motions to dismiss the state law claims.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.